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ATTORNEYS FOR PLAINTIFFS

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

MARGUERITE HIKEN and
THE MILITARY LAW TASK FORCE,

Plaintiffs,

v.

DEPARTMENT OF DEFENSE
and UNITED STATES
CENTRAL COMMAND,

Defendants.

Case No. CV-06-2812 (MHP)

**NOTICE OF SUBMITTED
MATTER PURSUANT TO L.R. 7-13
AND REQUEST FOR CASE STATUS**

**TO THE HON. MARILYN HALL PATEL, JUDGE OF THE UNITED STATES
DISTRICT COURT AND TO THE UNITED STATES ATTORNEY:**

PLEASE TAKE NOTICE that a matter has been under submission to this Court for more than
120 days.

Pursuant to Civil Local Rule 7-13, whenever a motion has been under submission for more than 120 days, a party may file with the court a notice that the matter remains under submission. Plaintiffs now file this second Notice pursuant to Local Rule 7-13 and Request for Case Status to bring this matter to the Court's attention.

I. SUMMARY

On April 28, 2008, this Court heard oral argument on renewed cross-motions for summary judgment arising out of a Freedom of Information Act request initiated by plaintiffs in March 2005. (Dkt. No. 78). After argument, the Court took the matter under submission. (Hearing Tr., 34:20-35:6, April 28, 2008, Dkt. No. 79.)

On August 26, 2008, 120 days had elapsed from the date the Court took the matter under submission. Plaintiffs filed their first Notice of Submitted Matter on September 9, 2008. (Dkt. No. 80). Plaintiffs subsequently inquired of the Court's clerk if there was any update on the pending motion. On December 2, 2008, as instructed by the clerk, plaintiffs filed a Request for Case Status. (Dkt. No. 82).

On February 16, 2010, plaintiffs filed a motion for an interim fee award. (Dkt. No. 83). On April 21, 2010, the Court filed a notice informing the parties that the hearing on the fee motion, scheduled for April 26, 2010, had been vacated and that the motion was submitted on the papers without oral argument. (Dkt. No. 90).

II. CONCLUSION

Plaintiffs respectfully notify the Court that more than 120 days have elapsed since the Court took the parties' renewed cross-motions for summary judgment¹ under submission and respectfully request information on the status of this case.

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¹ This notice excludes plaintiffs' Motion for an Interim Fee Award, which has been under submission for less than 120 days.

Respectfully Submitted,

COLLEEN FLYNN
CHRIS FORD
W. GORDON KAUPP

DATED: June 23, 2010

By:



COLLEEN FLYNN
Attorney for Plaintiffs

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